

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2007 DEC 11 A 9:50

ROBERT LEE ALLEN,

Plaintiff,

vs.

AUTAUGA COUNTY SHERIFF
DEPT., et al.,

Defendants.

CASE NO. 2:07-CV-982-WKW

REPORT BY DEFENDANTS

COMES NOW the Defendants in the above-styled matter, by and through their counsel, and after a review of the subject matter of the Complaint provides to this Honorable Court a report as requested by Order dated November 2, 2007.

A. FACTS AND CIRCUMSTANCES

The Plaintiff, ROBERT LEE ALLEN, is incarcerated in the Autauga County Metro Jail awaiting trial for various charges stemming from a high speed chase. (A complete list is attached to this Report as Exhibits "A", "B", "C", "D", and "E" and made a part hereof.)

The Plaintiff's complaint appears to revolve around an allegation of being illegally arrested in Montgomery County, Alabama instead of Autauga County, Alabama. See attached statement of Deputy Sheriff Larry Nixon attached hereto as Exhibit "F" and which is made a part hereof and which provides the Defendant's summary of the facts and circumstances surrounding this matter.

B. CORRECTIVE ACTION BY PRISON OFFICIALS

The Autauga County Sheriff's Office does not see a need to take any corrective action since it feels that its present policies and procedures dealing with inmate arrests are appropriate.

C. OTHER COMPLAINTS

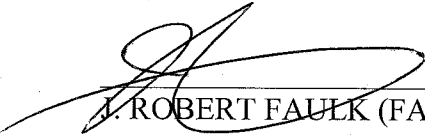
The other complaints known to the Defendants deal with a Complaint pending in this Court by the following individuals:

Ralph Wilson Lingo v. State of Alabama, et al., under Civil Action No. 1:06-CV-703-MHT dealing with a variety of issues, none of which deal with the issues of the instant complaint.

The allegations in this Complaint do not appear to similar with the above such as to justify consolidation.

The Defendants claim the defenses of immunity and qualified immunity.

DATED: December 11, 2007.


J. ROBERT FAULK (FAU002)
Attorney for Defendants

OF COUNSEL:
McDOWELL, FAULK & McDOWELL, L.L.C.
Attorneys at Law
145 West Main Street
Prattville, AL 36067
(334) 365-5924 Telephone
(334) 365-6016 Facsimile
robert@mcdowellfaulk.com

CERTIFICATE OF SERVICE

I hereby certify that I have on the 11th day of December, 2007 served a copy of the foregoing on Robert L. Allen by placing a copy of same in the U. S. Mail, postage prepaid and properly addressed as follows:

Robert Lee Allen
Inmate
Autauga County Metro Jail
136 North Court Street
Prattville, AL 36067


J. ROBERT FAULK

FEB-07-2007 15:32 From:AUT.CO.SHERIFF

334 361 3723

To:334 361 6703

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000165.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

ATTEMPT - ASSAULT 1st CLASS; C TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$10,000.00 BOND TYPE:
(2)
(3)

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: ATTEMPT - ASSAULT 1st 13A-004-002 F FELONY

NAME: ROBERT LEE ALLEN

ALIAS:

ADDRESS: 1025 BLUEBERRY LANE

ALIAS:

ADDRESS:

CITY: PRATTVILLE

STATE: AL

ZIP: 36067 0000

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964

RACE: B

SEX: M

HAIR: BLK

EYE: BRO HEIGHT: 5'03" WEIGHT: 185

SID: 0000000000 SSN: 267755691 DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT

✓ PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS

DAY OF

FEB

2007

SHERIFF

BY

COMPLAINANT:

MATT BOWMAN

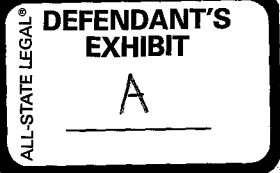
301 S RIDLEY ST

P O BOX 1511

MONTGOMERY AL 36104

OPERATOR: WHM

DATE: 08/13/2006

RECEIVED
AUG 16 PM 2 19
AUTAUGA CO SHERIFF

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000166.00

OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

~~ATTEMPT~~ - ASSAULT 2N CLASS: A TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
DAY OF , OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$3,000.00 BOND TYPE:

(2)

(3)

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: ATTEMPT - ASSAULT 2N 13A-004-002

F. Felony

NAME: ROBERT LEE ALLEN

ALIAS:

ADDRESS: 1025 BLUEBERRY LANE

ALIAS:

ADDRESS:

CITY: PRATTVILLE

STATE: AL

ZIP: 36067 0000

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964 RACE: B SEX: M HAIR: BLK

EYE: BRO HEIGHT: 5'03" WEIGHT: 185

SID: 0000000000 SSN: 267755691 DL NUM:

E X E C U T I O N

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(✓) PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

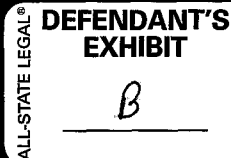
THIS 7 DAY OF FEB

H. JOHNSON
SHERIFFBY
B DILLON

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM

DATE: 08/13/2006



FEB-07-2007 15:32 From:AUT.CO.SHERIFF

334 361 3723

To:334 361 6703

P.33

28505

WARRANT

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT

28505

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000167.00 ✓
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

LEAVING SCENE ACC W/ CLASS: C TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$10,000.00 BOND TYPE:

(2)

(3)

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: LEAVING SCENE ACC W/ 032-010-001

F FELONY

NAME: ROBERT LEE ALLEN

ALIAS:

ADDRESS: 1025 BLUEBERRY LANE

ALIAS:

ADDRESS:

CITY: PRATTVILLE

STATE: AL

ZIP: 36067 0000

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964

RACE: B

SEX: M

HAIR: BLK

EYE: BRO HEIGHT: 5'03" WEIGHT: 185

SID: 000000000 SSN: 267755691 DL NUM:

EXECUTION

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(✓) PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS 7 DAY OF FEB

2007

H. JOHNSON
SHERIFF

BY

B. DILLON

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM

DATE: 08/13/2006

ALL-STATE LEGAL

DEFENDANT'S
EXHIBIT

C

RECEIVED

AUG 16 PM 2 20

AUTAUGA CO SHERIFF

FEB-07-2007 15:32 From:AUT.CO.SHERIFF

334 361 3723

To:334 361 6703

P.4/5

WARRANT

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000168.00 ✓
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING
HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE
ON A CHARGE(S) OF:RECKLESS ENDANGERMENT CLASS: A TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$3,000.00 BOND TYPE:

(2)

(3)

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: RECKLESS ENDANGERMENT 13A-006-024

M MISDEMEANOR

NAME: ROBERT LEE ALLEN

ALIAS:

ADDRESS: 1025 BLUEBERRY LANE

ALIAS:

ADDRESS:

CITY: PRATTVILLE

STATE: AL

ZIP: 36067 0000

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964

RACE: B

SEX: M

HAIR: BLK

EYE: BRO HEIGHT: 6'03" WEIGHT: 185

SID: 000000000 BSN: 257755691 DL NUM:

EXECUTION

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(✓) PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

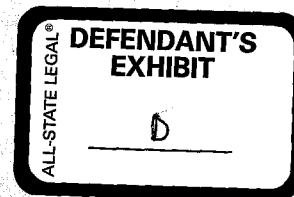
THIS 7 DAY OF FEB 2007

H. JOHNSON
SHERIFFBY
B. DILLON

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM

DATE: 08/13/2006



RECEIVED
2007 AUG 16 PM 2 20
AUTAUGA CO. SHERIFF
Dillon

FEB-07-2007 15:33 From: AUT.CO.SHERIFF

334 361 3723

To: 334 361 6703

W28507

02050

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000169.001✓

OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING
HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE
ON A CHARGE(S) OF:

ATT BLUDE POLICE CLASS: U TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE ONTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

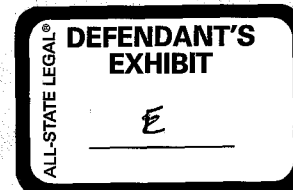
DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$500.00 BOND TYPE:

(2) _____

(3) _____

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT



CHARGES: ATT BLUDE POLICE

012-05A-193

M MISDEMEANOR

NAME: ROBERT LEE ALLEN

ALIAS:

ADDRESS: 1025 BLUEBERRY LANE

ALIAS:

ADDRESS:

CITY: PRATTVILLE

STATE: AL

ZIP: 36067 0000

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964

RACE: B

SEX: M

HAIR: BLK

EYE: BRO HEIGHT: 5'03" WEIGHT: 185

SID: 000000000 BSN: 267755691 DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

☒ PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL☐ RELEASING DEFENDANT ON APPEARANCE BOND

RECEIVED
2006 AUG 16 PM 2 20
AUTAUGA CO SHERIFF
J. Johnson

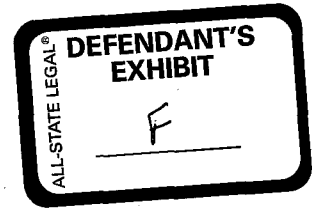
THIS 7 DAY OF FEB

H. JOHNSON
SHERIFFBY
B. Dixon

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM

DATE: 08/13/2006



STATE OF ALABAMA

COUNTY OF AUTAUGA

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared LARRY NIXON, whose name is signed to this Affidavit and who is know to me and who being by me first duly sworn, doth depose and say as follows:

My name is LARRY NIXON and I am a Deputy Sheriff for Autauga County, Alabama. I have been a Deputy Sheriff for 13 years. I am also the Chief Jailer for the Autauga County Metro Jail.

The purpose of this Affidavit is to provide to the Honorable Court the facts and circumstances surrounding a Complaint filed in this Court by ROBERT LEE ALLEN by Civil Action No. 2:07-CV-982-WKW.

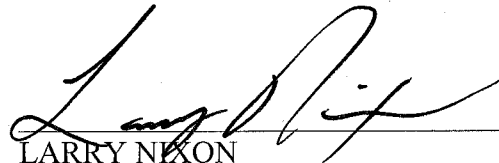
Robert L. Allen is currently an inmate in the Autauga County Metro Jail being held on a number of charges stemming from a high speed chase. These charges are attached to this Report as Exhibits "A" through "E". He files this Complaint with this Honorable Court alleging that he was illegally arrested and illegally transported to the Autauga County Metro Jail.

Mr. Allen was a prisoner in the Lowndes County Jail. He was being held on charges in Lowndes County, Alabama. He had pending charges against him in Autauga County. As a result, the Sheriff of Lowndes directed that he be transferred to Autauga County, Alabama to stand for the charges against him in said County. The Lowndes County deputies met the Autauga County deputies in Montgomery County, Alabama where Mr. Allen was transferred from Lowndes to Autauga County law enforcement officers. Mr. Allen was then transported to the Autauga County Sheriff's Office by Autauga County Deputy Dillon. When the deputies arrived at the Autauga County Sheriff's Office, Officer Dillon went into the office to do paperwork, came out and executed the


various warrants against Mr. Allen as shown on Exhibits "A" through "E" and Mr. Allen was placed in the Autauga County Metro Jail. This was all done in accordance with the laws of the State of Alabama. Since the warrants were executed when Mr. Allen was transported to Autauga County, there could be no illegal arrest or any illegal transportation of him as he claims in his complaint. Furthermore, *Code of Ala. 1975*, §15-10-10 allows for execution of arrests outside of Autauga County by Autauga County deputies.

I provide the following information from my perspective and to address the concerns of Mr. Allen.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 11th day of December, 2007.


LARRY NIXON
Captain/Warden
Autauga Metro Jail

SWORN TO and SUBSCRIBED to before me on this the 11th day of December, 2007.


NOTARY PUBLIC

My Commission Expires:

H:\LIT\Autauga County\Allen.2007-765\Affidavit of Larry Nixon.wpd

J. Robert Faulk
My Commission Expires
August 11, 2011